

## HOUSE BILL No. 1382

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-37-4-3; IC 31-39-9; IC 35-50-8.

**Synopsis:** Juvenile delinquency and criminal law information. Requires a law enforcement agency to notify the chief administrative officer of the primary or secondary school or the superintendent of the school district in which a child is enrolled if the child is taken into custody. Provides that certain agencies and entities may exchange certain information about a juvenile. Provides that a judge shall give written notice of a conviction to the chief administrative officer of a primary or secondary school or the superintendent of the school district in which a child is enrolled if the child is convicted of certain felonies or if the child has been adjudicated as a delinquent child for an act that would be certain felonies if committed by an adult.

**Effective:** July 1, 2007.

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**Lawson L, Kuzman, Hinkle**

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January 16, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1382

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 31-37-4-3 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2007]: **Sec. 3. (a) If a child is taken into custody under this**  
4 **chapter, the law enforcement agency that employs the law**  
5 **enforcement officer who takes the child into custody shall notify**  
6 **the chief administrative officer of the primary or secondary school**  
7 **or the superintendent of the school district in which the child is**  
8 **enrolled:**

9               (1) that the child was taken into custody; and

10              (2) of the reason why the child was taken into custody.

11       (b) The notification under subsection (a) must occur within  
12 forty-eight (48) hours after the child is taken into custody.

13       (c) A law enforcement agency may not disclose information that  
14 is confidential under state or federal law to a school or school  
15 district under this section.

16       SECTION 2. IC 31-39-9 IS ADDED TO THE INDIANA CODE AS  
17 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

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IN 1382—LS 7184/DI 107+



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1, 2007]:

**Chapter 9. Exchange of Information Concerning Delinquent Children**

**Sec. 1. The following entities and agencies may exchange records of a delinquent child who is receiving supervision, treatment, or services if the information or records are not confidential under state or federal law:**

- (1) A court.
- (2) A law enforcement agency.
- (3) The department of correction.
- (4) The department of child services.
- (5) The office of the secretary of family and social services.
- (6) A primary or secondary school.
- (7) A child placing agency.

SECTION 3. IC 35-50-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 8. Primary or Secondary School Student Delinquency and Criminal Conviction Information**

**Sec. 1. (a) If an individual is enrolled in a primary or secondary school and:**

- (1) is convicted of:
  - (A) a Class A felony;
  - (B) a Class B felony;
  - (C) a Class C felony; or
  - (D) at least two (2) Class D felonies; or
- (2) has been adjudicated as a delinquent child for:
  - (A) an act that would be:
    - (i) a Class A felony;
    - (ii) a Class B felony; or
    - (iii) a Class C felony; or
  - (B) acts that would be at least two (2) Class D felonies;

**if committed by an adult;**  
**the judge who presided over the trial, accepted the plea agreement, or adjudicated the child a delinquent child shall give written notification of the conviction or adjudication to the chief administrative officer of the primary or secondary school or the superintendent of the school district in which the individual is enrolled.**

**(b) Notification under subsection (a) must occur within seven (7) days after the conclusion of the trial, the date a plea agreement is accepted, or the date the child is adjudicated a delinquent child.**

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- 1           (c) The notification sent to a school or school district under  
2 subsection (a) must include only:  
3           (1) the felony for which the individual was convicted or that  
4           the individual would have committed if the individual were an  
5           adult; and  
6           (2) the individual's sentence or juvenile law disposition.  
7           (d) If the court later modifies the individual's sentence or  
8 juvenile law disposition after giving notice under this section, the  
9 court shall notify the school or the school district in which the  
10 individual is enrolled of the sentence or disposition modification.

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